

Rogers et al. v. U.S. Dept. of Health and Human Servs., et al.

Exhibit DD

**to Governor Henry McMaster's and Michael Leach's Motion for Summary Judgment and
Memorandum in Support Thereof**

Letter Listing Upstate CPAs (February 18, 2022)



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February 18, 2022

Via electronic mail

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RE: *Rogers et al. v. U.S. Dept. of Health and Human Servs. et al.*
Civil Action No. 6:19-cv-01567-JD (D.S.C.)
Our File No. 059326/01501

Kate:

I am writing in further response to your letter of January 11, 2022 and our subsequent written and telephonic correspondence relating to your informal discovery requests. This letter and the enclosed materials provide the requested information to the extent of SCDSS's ability, and this concludes our efforts related to your requests.

Enclosed with this communication are updated version of two documents discussed during Ms. Tester's deposition (Exhibits A and B of your letter of December 23, 2021). The enclosed versions of these documents contain data through December 31, 2021. Also enclosed are documents showing the number of children in foster care in the Upstate Region for each year of the past five years and the number of staff members providing support to foster families for each CPA serving the Upstate Region for each year of the past five years.

Earlier this week you received from me copies of SCDSS's current contracts for non-therapeutic foster care services with CPAs serving the Upstate Region. I have not gathered the contracts between adoption agencies and SCDSS even though adoption agencies can and sometimes do assist individuals and couples seeking licensure by SCDSS as foster parents, sometimes, though not always, in relation to an adoption. In addition, enclosed with this letter are SCDSS's current contracts for therapeutic foster care serves with the CPAs serving the Upstate Region.

In addition, you asked for information regarding the number of children in the Upstate Region who are eligible for adoption but for whom adoption placements have not been identified. As of February 1, 2022, there are 77 children in the Upstate Region who are legally free for adoption but for whom no adoptive placement has been identified. SCDSS further notes that due to the way

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its database and records are organized, and due to changes in that database and records organization in past years, any attempt to calculate these numbers for prior dates is both extremely labor intensive and may, in fact, yield inaccurate results. Accordingly, SCDSS has not and, indeed, cannot accurately calculate the number of children eligible for adoption but for whom an adoptive placement had not been identified in the Upstate Region in prior years.

You also asked for information regarding the number of foster parents working with Heartfelt Calling as compared to the number of foster parents working directly with a private CPA for each year of the past five years. After consultation with SCDSS's Accountability, Data, and Research Division, the Placement Division, and the Procurement Division, we have determined that SCDSS does not collection this information and, therefore, is unable to provide it to you.

In regard to your request for information relating to the CPAs listed in Exhibits A and B to your letter of December 23, Jackie Lowe previously testified regarding the CPAs that serve in or have offices in the Upstate and support non-therapeutic foster homes. *See* Lowe dep. Tr. at 190–97. In addition to the CPAs she discussed in her testimony, three additional CPAs listed in Exhibits A and B of your letter have offices in the Upstate and support non-therapeutic foster homes: (1) New Foundations – Therapeutic CPA (which is licensed both for therapeutic and non-therapeutic foster care), (2) Lifeline Children's Services, and (3) Adoption Advocacy, Inc. For the avoidance of doubt, enclosed with this letter is a document listing the CPAs serving in the Upstate Region along with their dates of licensure and whether they are licensed for therapeutic foster care, nontherapeutic foster care, or both.

You asked whether any therapeutic CPAs operating in the Upstate Region have also offered non-therapeutic foster care services, and, if so, how many non-therapeutic foster families been licensed by SCDSS in association with those CPAs during each of the past five years. As shown in the documents produced concurrently with this letter, all of the CPAs in the Upstate Region who are licensed for therapeutic foster care services are also licensed for non-therapeutic foster care, and some of the placements with which therapeutic CPAs assist are non-therapeutic placements. SCDSS was unable to determine, however, the number of non-therapeutic foster care licenses were assisted by the therapeutic component of those CPAs.

Finally, in regard to your questions regarding which CPAs serving in the Upstate Region “accept” or “exclude” prospective foster parents on the basis of the prospective foster parents’ same-sex marriage or religion, as noted in my prior response to your letter, Ms. Lowe has already testified on behalf of SCDSS in response to those questions. SCDSS’s answer remains the same: with the exception of Miracle Hill Ministries, SCDSS is unaware of any CPA serving in the Upstate Region who will decline to work with a prospective foster parent on the basis of the prospective foster parent’s religion or same-sex marriage.

Very truly yours,



Miles E. Coleman

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CC: (by electronic mail):

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Jay Thompson
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South Carolina CPAs serving the Upstate Region

	Child Placing Agency Name	Areas Served	Licensed by DSS	Therapeutic Foster Care ("TFC"), Non-TFC or Both	Ages Served
1	Church of God Home for Children	Upstate	2013	Non-TFC	Birth – 21 years of age
2	Connie Maxwell Children's Ministries	Upstate/Midlands	1980's	Non-TFC	Birth – 21 years of age
3	Epworth Children's Home	Statewide	2016	Both	Birth – 21 years of age
4	Family Preservation Community Services	Statewide	1997	Both	Birth – 21 years of age
5	Growing Home Southeast	Statewide	2004	Both	Birth – 21 years of age
6	Hope Embraced Adoption Agency	Statewide	2013	Adoption and Non-TFC	Birth – 18 years of age
7	Lifeline Children's Services	Statewide	2012	Non-TFC	Birth – 21 years of age
8	Lutheran Services Carolinas	Statewide	2000	Both	Birth – 21 years of age
9	Miracle Hill Ministries, Inc.	Upstate	1992	Non-TFC	Birth – 21 years of age
10	New Foundations Home for Children, Inc.	Upstate	2017	Both	Birth – 21 years of age
11	Nightlight Christian Adoptions	Upstate/Midlands	2019	Non-TFC	Birth – 21 years of age
12	Oasis of Hope	Upstate	2021	Non-TFC	Birth – 21 years of age

*Licensed adoption agencies fall under the category of CPAs and can assist in the licensure of foster parents when related to an adoption.

13	South Carolina Mentor	Statewide	1984	Both	Birth – 21 years of age
14	South Carolina Youth Advocate Program	Statewide	1990	Both	Birth – 21 years of age
15	Southeastern Children's Home	Upstate	1980's	Non-TFC	Birth – 21 years of age
16	Specialized Alternative for Families and Youth	Statewide	1994	Both	Birth – 21 years of age
17	Tamassee DAR School	Upstate	2017–2019 (closed in 2019)	Non-TFC	Birth – 21 years of age
18	The Bair Foundation	Statewide	2002	Both	Birth – 21 years of age
19	Thornwell	Upstate/Midlands	2016	Non-TFC	Birth – 21 years of age
20	Adoption Advocacy, Inc.	Statewide	Since before 1999	N/A Adoption Only* (has assisted in the licensure of one or more foster parents in the past 5 years)	Birth – 18 years of age
21	Adoption Options	Statewide	2002	N/A Adoption Only*	Birth – 18 years of age
22	America World Adoption – South Carolina	Statewide	2013	N/A Adoption Only*	Birth – 18 years of age
23	Applewhite Adoptions	Statewide	2014	N/A Adoption Only*	Birth – 18 years of age

*Licensed adoption agencies fall under the category of CPAs and can assist in the licensure of foster parents when related to an adoption.

24	Bethany Christian Services	Statewide	Since before 1999	N/A Adoption Only* (has one foster home for adoption purposes)	Birth – 18 years of age
25	Carolina Adoption Services	Statewide	1993	N/A Adoption Only*	Birth – 18 years of age
26	Christian Adoption Services	Statewide	2017	N/A Adoption Only* (has one foster home for adoption purposes)	Birth – 18 years of age
27	Quiver Full Adoptions, Inc.	Statewide	2017	N/A Adoption Only*	Birth – 18 years of age

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